

REMARKS

Status of the Claims

Claims 1, 3, 5, 7, 9, 11, 13 and 15 are pending in this application. No claims have been canceled, added or amended. Applicants offer the following arguments in support of the allowability of the claims.

Rejection under 35 USC 102(b)

The Examiner rejects claims 1, 3, 5, 7, 9, 11, 13 and 15 as anticipated by Oi et al. EP 0970976 A1 (EP '976). Applicants traverse the rejection and respectfully request the withdrawal thereof.

The present invention is directed to a copolymer of ethylene and a vinyl compound (I) represented by the general formula $\text{CH}_2=\text{CH}-\text{R}$, wherein R is a saturated hydrocarbon group, the steric parameter Es of the substituent R is from -2.77 to -1.64 and the steric parameter B1 of the substituent R is from 1.53 to 2.90, and wherein the copolymer has no crystallinity. The present invention also encompasses a molded article, adhesive and laminate comprising the claimed copolymer.

EP '976 on the other hand discloses a copolymer of an α -olefin with an alkenyl aromatic hydrocarbon. This copolymer does not include ethylene. For example, please see page 3, line 55 to page 4 line 4, particularly line 58 on page 3 to line 1 on page 4 where

it is described that "namely when the insertion form of the α -olefin or alkenyl aromatic hydrocarbon takes 2,1-insertion successively after 1,2-insertion, tertiary carbon atoms are mutually separated by two methylene groups." This description is inconsistent with a copolymer where the α -olefin includes ethylene. When 2,1-insertion after 1,2-insertion takes place, successive four methylene groups are formed.

Please also see page 4, lines 10-12 where it is disclosed that when a so-called head to tail body by which two of the α -olefin or alkenyl aromatic hydrocarbon units are sequentially bonded in the same direction occurs, the tertiary carbon atoms are mutually separated by one methylene group ($S\alpha\alpha$). However, if the copolymer of EP '976 had an α -olefin of ethylene, then the polymer having a head to tail structure would have three methylene groups and not one.

Further, regarding description at page 4, lines 7-9 of the '976 reference, this description of the tertiary carbon atoms was merely added since propylene may occur in 1,3 insertion in the polymerization process in rare cases. By the way, please note that there are overlapping inventors between EP '976 and the present invention and the inventors of the present invention added this referenced disclosure in EP '976 for the instance of this type of rare case of 1,3 insertion in polymerization.

Applicants submit that EP'976 does not anticipate the present invention since EP '976 does not disclose an α -olefin that includes ethylene. Further, contrary to the Examiner's stated position in the office action, Applicants submit that EP '976 does not specifically disclose that the substituent R in the vinyl compound (1) is a secondary alkyl group.

Moreover, Applicants submit that although EP '976 discloses that the α -olefin includes vinylcyclohexane, EP '976 still fails to disclose a combination of ethylene with the vinyl compound recited in claim 1, such as vinylcyclohexane.

For the foregoing reasons, Applicants respectfully request that this rejection be withdrawn and that the claims are allowed, as no *prima facie* case of anticipation has been established since EP '976 fails to disclose each and every limitation of the claimed invention.

Conclusion

As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview

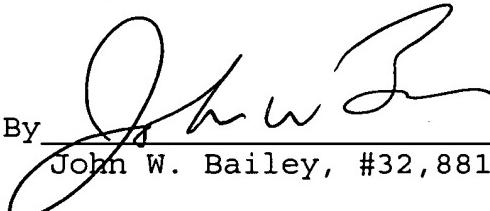
in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


John W. Bailey, #32,881

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JWB/KJR/jao/jwb
2185-0579P

(Rev. 02/12/2004)